

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF OKLAHOMA

ANTHONY TRUPIA,

Plaintiff,

v.

HERITAGE HARD ASSETS LLC; KYLE
PATTON, individually as Manager/Officer of
HERITAGE HARD ASSETS LLC; HL
VENTURES, an unregistered New York
company; REAGAN GOLD GROUP, LLC; STEVE
FRANCIS, individually as Manager/Officer of
REAGAN GOLD GROUP, LLC; WORLD
HARVEST CHURCH, INC.; ROD PARSLEY,
individually as Manager/Officer of WORLD
HARVEST CHURCH, INC.; SOUTH BAY
GALLERIES LLC; BRANDON MENDELSON,
individually as Manager/Officer of SOUTH
BAY GALLERIES LLC; TELNYX LLC; DAVID
CASEM, individually as Manager/Officer of
TELNYX LLC; IAN EITHER, individually as
Manager/Officer of TELNYX LLC; JAMES
WHEDBEE, individually as Manager/Officer of
TELNYX LLC; MAN DI MENA, individually as
Manager/Officer of TELNYX LLC; ONVOY,
LLC; BRETT SCORZA, individually as
Manager/Officer of ONVOY, LLC; JAMES
HYNES, individually as Manager/Officer of
ONVOY, LLC; G EDWARDS EVANS,
individually as Manager/Officer of ONVOY,
LLC; MATTHEW CARTER JR, individually as
Manager/Officer of ONVOY, LLC; LEVEL 3
COMMUNICATIONS, LLC; JEFF STOREY,
individually as Manager/Officer of LEVEL 3
COMMUNICATIONS, LLC; ZEBERSKY PAYNE
SHAW LEWENZ, a Florida law firm; ZACHARY
D LUDENS, individually as an attorney of
ZEBERSKY PAYNE SHAW LEWENZ; and DOES
1 through 100, inclusive,

Defendants.

Case No. 5:24-cv-00498-SLP

DEFENDANT LEVEL 3 COMMUNICATIONS, LLC'S
CONSENT TO REMOVAL

Pursuant to 28 U.S.C. §§ 1331, 1441, and 1446, Defendant, Level 3 Communications, LLC ("Level 3"), hereby consents to the removal of this action from the District Court of Oklahoma County, State of Oklahoma, to the United States District Court for the Western District of Oklahoma, and states the following in support:

1. On May 15, 2024, Defendant HLV Ventures removed this civil action - initiated on April 22, 2024, in the District Court of Oklahoma County, State of Oklahoma, styled *Anthony Trupia v. Heritage Hard Assets LLC, et al.*, CJ-2024-2684 - to this Court.

2. Defendant Level 3 was served on April 29, 2024. This Consent to Removal is timely filed pursuant to 28 U.S.C. § 1446 because it is within 30 days of April 29, 2024.

3. Defendant Level 3 was preparing its own removal papers given the clear basis for federal question jurisdiction based on the nature of Plaintiff Anthony Trupia's ("Plaintiff's") allegations as set forth in his pleading.

4. In connection with preparing to remove this action, counsel for Defendant Level 3 had been conferring with the other named Defendants and previously obtained consent to remove this action from Defendants Onvoy, LLC, Heritage Hard Assets LLC, Kyle Patton, Zebersky Payne, Shar Lewenz, and Zachary D. Ludens.

5. Upon information and belief, several of the named Defendants in this action were never served. In particular, it appears that the individual Defendants

named in Plaintiff's pleading were never served.

6. In any event, Defendant Level 3 concurs with the position asserted by HLV Ventures that this Court's basis for original jurisdiction over the present action is clear. Original jurisdiction is proper pursuant to 28 U.S.C. § 1331 because, in his pleading, Plaintiff, appearing *pro se*, asserted alleged claims in violation of the Telemarketing and Consumer Fraud and Abuse Prevention Act (15 U.S.C. §6101, *et seq.*), the Telemarketing Sales Rule (16 C.F.R. §310, *et seq.*), and the Telephone Consumer Protection Act (47 U.S. § 227. *et seq.*).

7. This Court also has supplemental jurisdiction over Plaintiff's state law claims because they arise out of the same common nucleus of operative facts.

8. Upon information and belief, any other named Defendants would consent to removal of this action.

WHEREFORE, Defendant, Level 3 Communications, LLC, requests that this Court take judicial notice of this Consent to Removal, assume jurisdiction of the cause, and issue such further orders and processes as may be necessary.

Respectfully submitted,

By: /s/ John H. Tucker
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***Attorney for Defendant, Level 3
Communications, LLC***

CERTIFICATE OF SERVICE (CM/ECF)

I hereby certify that on the 20th day of May, 2024, I electronically transmitted the above and foregoing to the Plaintiff, Pro Se, via email at his email address, and to the Clerk of the Court using the Court's ECF System for filing and transmittal of a Notice of Electronic Filing to the ECF registrants:

Plaintiff Pro Se:

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s/ John H. Tucker
